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International Residual Mechanism for Criminal Tribunals

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International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and of the Security Council the fifth annual report of the International Residual Mechanism for Criminal Tribunals, submitted by the President of the Mechanism in accordance with article 32 (1) of the statute of the Mechanism (see Security Council resolution 1966 (2010), annex 1).

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Letter of transmittal

Letter dated 1 August 2017 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the General Assembly and the President of the Security Council

I have the honour to submit the fifth annual report of the International Residual Mechanism for Criminal Tribunals, dated 1 August 2017, to the General Assembly and the Security Council, pursuant to article 32 (1) of the statute of the Mechanism.

(*Signed*) Theodor **Meron**
President

Summary

Fifth annual report of the International Residual Mechanism for Criminal Tribunals

The present annual report outlines the activities of the International Residual Mechanism for Criminal Tribunals from 1 July 2016 to 30 June 2017.

The Mechanism was established by the Security Council in resolution 1966 (2010) to carry out a number of essential functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia after the closure of the two Tribunals. Those functions include attending to a wide range of judicial matters, locating and arresting remaining fugitives, providing protection to witnesses, supervising the enforcement of sentences and managing the archives of the two Tribunals.

With branches in Arusha, United Republic of Tanzania, and The Hague, the Netherlands, the Mechanism is operating on two continents and continues to draw upon the best practices of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and other tribunals, while also actively pursuing new ways to improve its operations, procedures and working methods so as to maximize effectiveness and efficiency. The Mechanism is guided in its activities by the Security Council's emphasis on it being a small, temporary and efficient structure, whose functions and size will diminish over time, with a small number of staff commensurate with its reduced functions.

During the reporting period, the President supervised matters relating to the management of the Mechanism, coordinated the work of the Chambers, presided over the Appeals Chamber and issued a substantial number of orders and decisions on issues including the enforcement of sentences, the assignment of counsel and legal aid. In its most significant judicial activity, the Mechanism's Trial Chamber at the Hague branch commenced evidentiary hearings in a retrial during the reporting period. The Appeals Chamber is seized of two appeals from judgment and has issued a number of decisions in those and other cases. The Appeals Chamber has also disposed of an appeal against a decision refusing a request for the revocation of a referred case, and, at the close of the reporting period, remained seized of two requests for review of judgment. In addition, single judges issued a large number of orders and decisions on a range of matters, including assisting national jurisdictions through ruling on requests for variations of protective measures and requests for access to confidential information.

The Office of the Prosecutor focused on three priorities: (a) the expeditious completion of trials and appeals; (b) locating and arresting the eight remaining fugitives indicted by the International Criminal Tribunal for Rwanda; and (c) assisting national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda. The Office of the Prosecutor also continued to perform its responsibilities in respect of other residual functions, including handling the large volume of non-trial and appeal litigation before the Mechanism.

The Registry provided and coordinated the administrative, legal, policy and diplomatic support services for the Mechanism throughout the reporting period. As part of its substantive functions, the Registry offered protection and support services to witnesses, worked on multiple aspects of the enforcement of sentences handed down by the Tribunals and supported the International Tribunal for the Former Yugoslavia in the preparation of records and archives for transfer to the Mechanism. As part of its administrative functions, the Registry supported all the organs of the

Mechanism in completing recruitment and continued the gradual process of establishing the Mechanism's own self-standing capacity. In a milestone for the institution, facilitated by the work of the Registry, the Mechanism opened its new premises at the Arusha branch during the reporting period.

I. Introduction

1. The fifth annual report of the International Residual Mechanism for Criminal Tribunals outlines the activities of the Mechanism for the period from 1 July 2016 to 30 June 2017.

2. The Mechanism's mandate includes ensuring the trial of the remaining fugitives. While the International Tribunal for the Former Yugoslavia has no outstanding fugitives charged with serious violations of international humanitarian law, eight individuals indicted by the International Criminal Tribunal for Rwanda are still at large. Three of the eight are expected to be tried by the Mechanism and the cases of the remaining five have been referred to Rwanda for trial.

3. The Mechanism has also been mandated to conduct a number of other judicial activities, consistent with the provisions of its statute and the modalities specified in the transitional arrangements. The activities concern the retrials of cases completed by the two Tribunals, appeals of their judgments and sentences, reviews of their proceedings and contempt of court and false testimony cases.

4. In addition, the Mechanism has been tasked with the responsibility for certain functions of the two Tribunals, including: the protection and support of victims and witnesses who have testified in the Tribunals' cases; management of the Tribunals' archives; supervision of the enforcement of sentences handed down by the Tribunals; responding to requests for assistance from national authorities; and monitoring cases referred to national courts by the Tribunals.

5. During the reporting period, the Mechanism conducted a range of judicial and other activities within its remit, further developed its legal and regulatory framework and opened its new premises in Arusha, United Republic of Tanzania.

II. Activities of the Mechanism

A. Organization

6. In its resolution 1966 (2010), the Security Council established that the Mechanism would operate for an initial four-year period, starting from 1 July 2012. Unless the Council decides otherwise, the Mechanism shall continue to operate for subsequent periods of two years, following reviews by the Council of the progress of the Mechanism's work, including in completing its functions. The Council completed its first review of the progress of the Mechanism's work in December 2015, as set forth in Council resolution 2256 (2015) and reflected in General Assembly resolution 70/227.

7. The Mechanism consists of three organs, which serve both branches of the Mechanism: (a) the Chambers, from which single judges can be appointed and trial and appeal benches formed as needed, and which is presided over by the President; (b) the Prosecutor; and (c) the Registry, which provides administrative services to the Mechanism, including the Chambers and the Prosecutor.

8. Each organ is headed by a full-time principal, common to both branches. The President of the Mechanism is Judge Theodor Meron. The Prosecutor for the Mechanism is Serge Brammertz, who concurrently serves as the Prosecutor of the International Tribunal for the Former Yugoslavia. Olufemi Elias was newly appointed as the Registrar of the Mechanism during the course of the reporting period, with effect from 1 January 2017, upon the conclusion of the appointment of the Mechanism's first Registrar, John Hocking.

9. The Mechanism has a roster of 25 independent judges, elected by the General Assembly to serve a four-year term. In June 2016, and further to Security Council resolution 2269 (2016) and article 10 (3) of the statute of the Mechanism, the Secretary-General reappointed the 25 judges for a new, two-year term, from 1 July 2016 to 30 June 2018.

B. Legal and regulatory framework

10. An agreement between the United Nations and the Netherlands concerning the branch of the Mechanism at The Hague, signed on 23 February 2015, entered into force on 1 September 2016. The agreement, inter alia, regulates matters relating to the proper functioning of the Mechanism in the Netherlands, facilitates the Mechanism's smooth and efficient functioning and creates conditions conducive to the Mechanism's stability and independence.

11. As provided by article 13 of the statute, the judges of the Mechanism may decide to adopt amendments to the Rules of Procedure and Evidence of the Mechanism and any such amendments shall take effect upon adoption by the judges of the Mechanism, unless the Security Council decides otherwise. On 26 September 2016, the judges commenced their first in-person plenary at the Hague branch of the Mechanism and adopted amendments to rules 3, 5, 11, 19, 42, 47, 78, 79 and 155 of the Rules. Over the course of the two-day plenary, the judges also received briefings from all three principals of the Mechanism and discussed issues pertaining to the internal functioning of the Mechanism and ways to increase its efficiency.

12. The Mechanism further developed procedures and policies building upon the best practices of both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. During the reporting period, the President issued a revised practice direction on the procedures for amending the Rules of Procedure and Evidence of the Mechanism. Furthermore, the Registrar adopted a policy governing access to the records held by the Mechanism and an additional legal aid policy applicable to counsel representing eligible accused persons in trial proceedings before the Mechanism, as well as a revised practice direction on filings made before the Mechanism.

C. Mechanism Coordination Council

13. Pursuant to rule 25 of the Rules of Procedure and Evidence, the Mechanism Coordination Council is composed of the President, the Prosecutor and the Registrar and meets on an ad hoc basis to coordinate the activities of the three organs of the Mechanism. The Council has met to discuss, inter alia, matters concerning planning for the next biennium, the transition of functions from the International Tribunal for the Former Yugoslavia to the Mechanism, the long-term relocation of acquitted and released individuals and other matters of common concern.

D. Rules Committee

14. The Mechanism's Rules Committee produced its first report to the judges on proposed amendments to the Rules of Procedure and Evidence in September 2016 and is currently considering a number of proposals for amendments to the Rules.

E. Coordination with the International Tribunal for the Former Yugoslavia

15. During the reporting period, the Mechanism benefited greatly from the operational and administrative support provided by the International Tribunal for the Former Yugoslavia. The principals and staff of both institutions continued to work together closely and shared institutional knowledge, expertise and lessons learned, with a view to ensuring that the progressive transfer of functions from the International Tribunal for the Former Yugoslavia to the Mechanism was as efficient and seamless as possible.

III. Activities of the President and the Chambers

A. Principal activities of the President

16. The President, in his capacity as the head of the Mechanism, has engaged in many issues related to the representation and management of the Mechanism throughout the reporting period. He has represented the Mechanism in a variety of external forums, developed and contributed to the development of various policies and guidance documents, including with respect to translation, interpretation and occupational safety and health, and held regular meetings with the Registrar on operational matters subject to the President's overall authority. As described in further detail below, the President has also addressed the Security Council and the General Assembly in relation to the detention by national authorities of Mechanism Judge Aydin Sefa Akay.

17. Pursuant to the statute, during the reporting period, the President submitted two six-monthly reports to the Security Council on the progress of the Mechanism and twice briefed the Council on the work of the Mechanism, in December 2016 and June 2017. Also as mandated by the statute, the President submitted the Mechanism's annual report to the General Assembly and the Council (A/71/262-S/2016/669) and briefed the Assembly in November 2016.

18. During the reporting period, the President engaged with State officials in Arusha, The Hague and other locations, as well as with victims' groups and members of civil society. In addition, the President and senior staff members in the Chambers have exchanged information and views with representatives from other courts and tribunals with a view to identifying and sharing best practices in the field of fair and expeditious case management.

19. In his judicial capacity, the President continued to coordinate the work of the Chambers with a view to achieving efficiencies and making the best use of the diverse array of judicial expertise and legal cultures reflected in its roster of 25 judges, including by providing a broad distribution of judicial work among the judges, while refraining from giving case assignments to those Mechanism judges who are also judges of the International Tribunal for the Former Yugoslavia, so as not to impede the completion of their work for that Tribunal; ensuring the full readiness of the Chambers in the event of the apprehension of fugitives; and working with fellow judges and senior staff to enhance the smooth and cost-effective functioning of the Chambers more generally. In furtherance of the Mechanism's effective and transparent management, and in consultation with the other judges, the President revised internal processes regarding judicial remuneration and case management during the reporting period. He also issued numerous assignment orders and ruled on requests for administrative review and on requests for the revocation of an order referring a case to Rwanda. In addition, the

President presided over the Appeals Chamber and is serving as the pre-appeal judge in the cases of *Radovan Karadžić* and *Vojislav Šešelj*. With respect to the supervision of the enforcement of sentences, the President issued numerous orders and decisions relating to applications for the early release of persons convicted by the International Criminal Tribunal for Rwanda or the International Tribunal for the Former Yugoslavia and other public and confidential matters. He also addressed reports and complaints concerning the conditions of detention of convicted persons serving sentences under the supervision of the Mechanism.

B. Principal activities of single judges

20. During the reporting period, 14 single judges were seized of and issued orders or decisions in relation to numerous requests arising in matters at both the Arusha and Hague branches. Those requests concerned, inter alia, assistance to national jurisdictions, access to confidential information, the variation of protective measures, the disclosure of exculpatory information, allegations of contempt and false testimony and changes in the classification of filings. Collectively, 120 decisions or orders were issued by single judges during the reporting period and, as at 30 June 2017, a single judge was seized of a matter relating to allegations of false testimony. In addition, a single judge completed an inquiry into the circumstances surrounding the death of Zdravko Tolimir while in custody at the United Nations Detention Unit in The Hague, and presented his report to the President of the Mechanism on 7 September 2016. The President informed the Security Council accordingly.

C. Principal activities of the Trial Chambers

21. In the case of *Jovica Stanišić and Franko Simatović*, the Trial Chamber at the branch in The Hague held trial preparation hearings on 28 September and 14 December 2016 and on 7 April 2017. For the purposes of determining the trial schedule, the Trial Chamber heard expert evidence on Jovica Stanišić's medical condition on 12 December 2016 and 2 February 2017. The pretrial conference in the case was held on 17 May 2017 and the trial began on 13 June 2017 with the opening statement of the Prosecution. The presentation of the evidence of the Prosecution commenced immediately thereafter. During the reporting period, the pretrial judge and the Trial Chamber issued 64 decisions or orders, including on the modalities for trial, the admission of evidence and provisional release. The trial is ongoing.

D. Principal activities of the Appeals Chamber

22. On 4 October 2016, the Appeals Chamber denied an appeal filed by Jean Uwinkindi against the Trial Chamber's decision denying his request for the revocation of the referral of his case to Rwanda. In the context of the appeal, during the reporting period, the Appeals Chamber also disposed of requests for the admission of additional evidence and addressed applications concerning procedural matters.

23. The Appeals Chamber also considered a variety of requests during the reporting period relating to protective measures, access to confidential materials and the assignment of legal assistance for potential review applications. For example, on 14 November 2016, the Appeals Chamber determined an appeal concerning a decision to rescind protective measures for a deceased witness. On 17 May 2017, the Appeals Chamber ruled on an appeal against a decision regarding a request for

access to confidential materials. The Appeals Chamber also decided two requests for the assignment of counsel and legal aid in respect of potential requests for review on 23 September 2016 and 13 April 2017, respectively.

24. The Appeals Chamber is seized of appeal proceedings in the *Karadžić* case, in which the International Tribunal for the Former Yugoslavia issued a trial judgment on 24 March 2016. The Appeals Chamber partly granted requests for extensions of time for the briefing, totalling 217 days of extensions. The briefing process concluded on 6 April 2017 with the filing of the parties' reply briefs. During the reporting period, the Appeals Chamber issued 62 decisions or orders in relation to that case during the pre-appeal proceedings, which are ongoing.

25. The Appeals Chamber is also seized of an appeal by the Prosecution against the acquittal of Vojislav Šešelj by a Trial Chamber of the International Tribunal for the Former Yugoslavia. The briefing process concluded on 22 February 2017 with the filing of the Prosecution's reply brief. During the pre-appeal proceedings in the reporting period, the Appeals Chamber issued seven decisions or orders in relation to the case, which is being prepared for a hearing of the appeal.

26. As of the conclusion of the reporting period, the Appeals Chamber also remains seized of review proceedings in the case of *The Prosecutor v. Augustin Ngirabatware*. In September 2016, the review proceedings were halted owing to the arrest and detention in Turkey of a member of the bench, Judge Aydin Sefa Akay, notwithstanding the assertion of diplomatic immunity by the United Nations. On 31 January 2017, the pre-review judge ordered the Government of Turkey to cease all legal proceedings against Judge Akay and take all necessary measures to ensure his release from detention as soon as practicable, but no later than 14 February 2017. On 9 March 2017, the President notified the Security Council of the Turkish Government's non-compliance with that order. The review proceedings resumed upon the provisional release of Judge Akay in June 2017, pending further proceedings in his case at the national level. On 19 June 2017, the Appeals Chamber granted Augustin Ngirabatware's request for a review of his convictions, ordered the parties to file, by 31 July 2017, a list of evidence and witnesses each proposed to introduce at the review hearing and indicated that a scheduling order for the hearing would be issued in due course.

27. The Appeals Chamber is also seized of a request for review brought on 7 June 2017 by Eliézer Niyitegeka against the judgment and sentence of the International Criminal Tribunal for Rwanda in his case, as well as of an appeal brought by Mr. Niyitegeka against a decision of a single judge on his access to information and materials relating to certain witnesses.

28. On 29 June 2017, the Appeals Chamber was seized of an appeal by Jean de Dieu Kamuhanda against a decision of a single judge relating to Mr. Kamuhanda's request to interview a witness.

IV. Activities of the Office of the Prosecutor[1]

A. Introduction

29. During the reporting period, the Office of the Prosecutor continued to focus on three priorities: (a) the expeditious completion of trials and appeals; (b) locating and arresting the eight remaining fugitives indicted by the International Criminal

[1] The present section reflects the views of the Prosecutor of the Mechanism.

Tribunal for Rwanda; and (c) assisting national jurisdictions prosecuting international crimes committed in the former Yugoslavia and Rwanda.

30. In managing its work, the Office is guided by the views and requests of the Security Council as set forth in, among other places, paragraphs 18, 19 and 20 of its resolution 2256 (2015). The Office, in conjunction with the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia, continued to implement the "one office" policy to further streamline operations and reduce costs by effectively integrating staff and resources across the Offices. The Office of the Prosecutor of the Mechanism also continued the coordinated transition of "other functions" from the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia.

B. Trials and appeals

31. During the reporting period, the Office of the Prosecutor continued its work on one trial (*Stanišić and Simatović*) and two appeals proceedings (*Karadžić* and *Šešelj*) arising out of cases transferred from the International Tribunal for the Former Yugoslavia pursuant to the Mechanism's statute and transitional arrangements. The present ad hoc judicial activity is temporary in nature. It is expected that the Office will conduct further appeal proceedings, if any, in the *Mladić* case following the anticipated rendering of the trial judgment by the International Tribunal for the Former Yugoslavia in November 2017.

32. On 15 December 2015, the Appeals Chamber partially granted the appeal of the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia in the *Stanišić and Simatović* case, revoked the Trial Chamber's judgment and ordered the case to be retried on all counts. During the reporting period, the Office of the Prosecutor of the Mechanism completed its pretrial preparations in accordance with the workplan for that case issued by the pretrial judge on 3 June 2016. All required filings were submitted by the established deadlines. Trial proceedings began on 13 June 2017.

33. On 24 March 2016, the Trial Chamber of the International Tribunal for the Former Yugoslavia unanimously convicted Radovan Karadžić of genocide, crimes against humanity and war crimes, and sentenced him to a term of imprisonment of 40 years. During the reporting period, the Office of the Prosecutor completed the written appeals briefing phase in the case 12 months from the issuance of the trial judgment.

34. On 31 March 2016, the Trial Chamber of the International Tribunal for the Former Yugoslavia, by majority, acquitted Vojislav Šešelj on all counts of the indictment against him. During the reporting period, the Office of the Prosecutor completed the written appeals briefing phase in the case 11 months from the issuance of the trial judgment.

35. On 19 June 2017, the Appeals Chamber of the Mechanism granted Augustin Ngirabatware's motion to initiate review proceedings of the convicting judgment against him issued by the International Criminal Tribunal for Rwanda. The Appeals Chamber ordered a review hearing to be held at which Mr. Ngirabatware and the Office of the Prosecutor will present evidence as to whether there is a new fact which, if proved, could have been a decisive factor in reaching the original conviction.

36. The Office continues to rely on the full cooperation of States to successfully complete its mandate, as set out in article 28 of the Mechanism's statute. The Office's access to documents, archives and witnesses is critical to ongoing Mechanism trial and appeal proceedings. During the reporting period, cooperation

by Bosnia and Herzegovina, Croatia, Serbia and Rwanda with the Office of the Prosecutor remained satisfactory. The Office fully expects that its requests for assistance will be promptly and adequately processed.

C. Fugitives

37. During the reporting period, the Office of the Prosecutor continued its efforts to locate and arrest the three fugitives whose cases will be tried by the Mechanism: Augustin Bizimana, Félicien Kabuga and Protais Mpiranya. The Office also continued to search for information on the whereabouts of the five fugitives who are currently expected to be brought to trial in Rwanda following their arrest: Fulgence Kayishema, Phénéas Munyarugarama, Aloys Ndimbati, Ryandikayo and Charles Sikubwabo.

38. The Office completed an overall review of its tracking efforts to date. As a result of the review, a number of challenges were identified and steps are being taken to resolve those issues. In addition, the Office has developed concrete strategies for the apprehension of each of the eight remaining fugitives, which are being implemented. The Office also strengthened its public communications and outreach programmes.

39. The Office, following consultations with key partners, developed and established two task forces focused on Africa and Europe, respectively. The task forces bring the Office together with key partners, including the International Criminal Police Organization (INTERPOL) and relevant national law enforcement authorities, in an operational structure that can coordinate and conduct intelligence and investigative activities in pursuit of the fugitives. The task force approach will allow the Office to streamline and expedite such activities by promoting information-sharing and strengthening collaboration between the Office and its partners. Support from key partners, in particular INTERPOL and the Government of Rwanda, was critical to the establishment of the task forces, and the Office expresses its gratitude to all national authorities who have so far agreed to participate or provide assistance.

40. At the same time, the Office began undertaking a necessary restructuring of its tracking team. The Office identified a mismatch between the structure and capacities of its tracking team and the activities needed at the present time to move the search for the remaining fugitives forward. In particular, the Office must strengthen its analytical capacities and its ability to work closely with partner law enforcement agencies. In addition, the Office needs to ensure that it can conduct a wide range of necessary investigative activities, including investigations of communications and finances. Accordingly, the Office will in the near future abolish the existing tracking team structure and establish a new fugitives and investigations unit that provides the needed capacities.

41. The Office underscores its commitment to arresting the remaining fugitives as soon as possible. As a reflection of that commitment, the Office will propose that, in the forthcoming budget of the Mechanism for the period 2018-2019, fugitive tracking be reclassified from a continuous to an ad hoc function, as that would clarify and signal the fact that fugitive tracking is a temporary activity that must be brought to a close in a reasonable time period, consistent with other ad hoc functions of the Mechanism.

D. Assistance to national jurisdictions

42. National prosecutions are now essential to achieving greater justice for the victims of war crimes, crimes against humanity and genocide committed in the former Yugoslavia and Rwanda. Consistent with the completion strategies of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, the statute of the Mechanism and Security Council resolutions 1966 (2010) and 2256 (2015), the Office of the Prosecutor is mandated to assist and support effective national prosecutions of those crimes. In the affected countries, the effective prosecution of the crimes committed is fundamental in order to build and sustain the rule of law, establish the truth of what occurred and promote reconciliation. Third-party States are also undertaking prosecutions against suspects who are present in their respective territories for crimes committed in Rwanda and the former Yugoslavia. The Office has continued its efforts, within existing resources, to monitor, support and advise national judicial authorities prosecuting war crimes cases arising out of the conflicts in Rwanda and the former Yugoslavia. The Office maintains an ongoing dialogue with its counterparts and undertakes a range of initiatives to assist and build capacity in national criminal justice sectors.

43. During the reporting period, the Office continued to provide national judicial authorities with access to evidence and information in response to a high volume of requests. The Office possesses extensive evidence and invaluable expertise that can greatly benefit national justice efforts. The collection of evidence related to Yugoslavia comprises more than nine million pages of documentation and thousands of hours of audio and video records, most of which were not introduced into evidence in any International Tribunal for the Former Yugoslavia proceeding and therefore are only available from the Office of the Prosecutor. The collection of evidence related to Rwanda comprises more than one million pages of documentation. The Office's staff have unique insight into the crimes and the cases, and can assist national prosecutors in preparing and proving their indictments.

44. During the reporting period, in relation to Rwanda, the Office received 11 requests for assistance from four Member States and one international organization. All requests have been processed. In total, the Office handed over 23,000 pages of documentation. In relation to the former Yugoslavia, the Office received 239 requests for assistance from eight Member States and three international organizations. Some 146 requests for assistance were submitted by authorities in Bosnia and Herzegovina, 53 by Croatia, 8 by Montenegro and 3 by Serbia. In total, the Office handed over 4,600 documents comprising more than 84,000 pages and 92 audio and video files. In addition, the Office filed submissions in relation to 38 requests for the variation of witness protective measures: 37 concerning proceedings in Bosnia and Herzegovina and 1 concerning a proceeding in Serbia.

E. Capacity-building

45. During the reporting period, the Office of the Prosecutor continued its efforts, within existing resources, to build capacity in national judiciaries prosecuting war crimes. The Office's capacity-building efforts are global in nature, but also focus specifically on the Great Lakes region and East Africa and the former Yugoslavia. Strengthening national capacities supports the principle of complementarity and the national ownership of post-conflict accountability.

46. The Office focused its capacity-building efforts in particular on strengthening peer-to-peer engagement with criminal justice professionals from around the world on the topic of prosecuting conflict-related sexual violence. Those activities build

upon the book, entitled *Prosecuting Conflict-Related Sexual Violence at the ICTY*, produced by the International Tribunal for the Former Yugoslavia, which is an important component of that Tribunal's legacy. The programmes were organized under the auspices of the Prosecuting Conflict-related Sexual Violence Network, set up through the International Association of Prosecutors and supported by the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia and the Office of the Prosecutor of the Mechanism.

47. In Nairobi in August 2016, staff from the Office led a six-day advanced training session that focused on practical legal skills in international criminal law. The training session had a thematic focus on the prosecution of sexual violence crimes in conflict and was attended by 30 prosecutors and other practitioners from Kenya, Rwanda, South Sudan, Uganda and the United Republic of Tanzania. The training session was followed by a conference to share experience, which brought together a wide range of stakeholders to encourage deeper and more coordinated dialogue, the exchange of expertise and action among actors working to address conflict-related sexual violence at both the international and national levels.

48. In Nuremberg, Germany, in December 2016, Office staff conducted a peer-to-peer discussion on conflict-related sexual violence with practitioners from the Netherlands, Rwanda and Uganda, current and former prosecutors from the International Criminal Court and International Tribunal for the Former Yugoslavia Tribunal and an academic expert. To ensure the sustainability of the discussions, follow-up engagement is being pursued through the Prosecuting Conflict-related Sexual Violence Network, including through the provision of key legal precedents to facilitate national prosecutions.

49. In February 2017, Office staff were part of an expert mission of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) to Bogotá to advise on the integration of gender perspectives into the planned transitional justice process in Colombia. The discussions underscored the importance of utilizing existing networks as vehicles for accessing global experience and lessons learned in prosecuting conflict-related sexual violence.

50. In addition to work fostering capacity-building through peer-to-peer activities, the Office of the Prosecutor of the Mechanism and the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia jointly published the book *Prosecuting Conflict-Related Sexual Violence at the ICTY* in Bosnian/Croatian/Serbian, and launched the new translation during the International Tribunal for the Former Yugoslavia legacy conference in Sarajevo in June 2017. The Office of the Prosecutor of the Mechanism is also continuing its efforts to develop a complementary training programme to help practitioners in the former Yugoslavia and elsewhere learn key insights and messages from the book.

V. Activities of the Registry

51. During the reporting period, the Registry continued to provide administrative, legal, policy and diplomatic support to Mechanism operations.

A. Administration, staffing and facilities

52. By its resolution 70/243, the General Assembly decided to appropriate to the Special Account for the Mechanism a total amount of $137,404,200 gross ($126,945,300 net) for the biennium 2016-2017.

53. Over the past year, the Mechanism has continued with the development of its own self-standing administration. That process is in step with the closure of the International Criminal Tribunal for Rwanda at the end of 2015 and the downsizing of the International Tribunal for the Former Yugoslavia. Significant support is still provided by administrative staff of the International Tribunal for the Former Yugoslavia as part of the "double-hatting" arrangement.

54. The mandate of the liquidation team of the International Criminal Tribunal for Rwanda concluded on 31 July 2016. After assuming full responsibility on 1 August 2016 for all pending administrative and financial matters pertaining to that Tribunal, the Mechanism has continued to work towards their finalization.

55. Following its high-profile inauguration on 25 November 2016 by the Vice-President of the United Republic of Tanzania, for the host State, and the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, for the Organization, staff moved into the new premises of the Arusha branch on 5 December 2016. The new premises were completed within budget. The project maximized the usage of local materials and building methods and benefited from best practices and lessons learned in other United Nations capital projects. In December 2016, the project entered the post-construction phase, which includes the completion of required remedial works, the appropriate recovery of direct and indirect costs arising from delays where economically feasible, the completion of the transition from project to facilities management and the final closure of the project account. In that context, attention is being paid in particular to correcting certain technical defects of the facility constructed to host the archives of the International Criminal Tribunal for Rwanda. The Mechanism continues to be deeply grateful to the United Republic of Tanzania for its steadfast support for the completion of the project and to the Secretariat for its ongoing advice.

56. The Hague branch of the Mechanism is co-located with the International Tribunal for the Former Yugoslavia. The Mechanism has a strong preference, in order to safeguard its legacy and for reasons of efficiency and cost-effectiveness, for remaining at its current premises after the closure of the Tribunal. Technical discussions and negotiations with the authorities of the host State and the owners of the premises are ongoing and progressing in that regard.

57. The Mechanism has a vacancy rate of only 3 per cent for its continuing posts. As at 30 June 2017, the Mechanism had a total of 478 staff (on posts and in general temporary assistance positions): 163 at the Arusha branch, including the Kigali office, and 315 at the Hague branch, including the Belgrade and Sarajevo offices. The Mechanism's staff comprises nationals of 72 States. Of the staff at the Professional level and above, 56 per cent are women and 44 per cent men. Approximately 85 per cent of those recruited were current or former staff members of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia.

B. Support for judicial activities

58. During the reporting period, the Registry continued to provide support to the Mechanism's judicial activities at both branches.

59. The Registry processed and disseminated more than 1,900 judicial filings, amounting to more than 30,000 pages. In addition, it facilitated and serviced hearings in the *Stanišić and Simatović* retrial, and supported the *Karadžić* and *Šešelj* appeal proceedings. The Registry's Language Support Services provided translations of judgments and other documents into Bosnian/Croatian/Serbian, English, French,

Kinyarwanda and other languages, as required, as well as conference and consecutive interpretation.

60. During the reporting period, the Registry adopted a policy governing the remuneration of defence counsel in trial proceedings. One additional remuneration policy is being developed. Once that is adopted, the Mechanism's regulatory framework for legal aid will be complete. In addition, the Registry provided assistance, financial and otherwise, to an average of 39 defence teams comprising a total of approximately 100 defence team members.

61. The Registry continued to support all sections of the Mechanism in the ongoing expansion of rosters of qualified potential staff in order to ensure that the Mechanism is able to scale up rapidly in the event of a sudden increase in judicial activity, for instance, following the arrest of one or more fugitives.

62. The Registry also expanded the list of qualified counsel who can be assigned to suspects or accused persons under rule 43 (B) of the Rules of Procedure and Evidence of the Mechanism, as well as the roster of duty counsel under rule 43 (C) who are available to be assigned to an accused person for the purposes of an initial appearance. In addition, the Registry facilitated the engagement of pro bono counsel for convicted persons.

C. Support for other mandated activities

1. Witness support and protection

63. The Mechanism is responsible for the important residual function of witness support and protection in relation to thousands of witnesses who have testified in cases completed by the two Tribunals.

64. Consistent with judicial protection orders and in close collaboration with national authorities or other United Nations entities, the Witness Support and Protection Unit provides security to witnesses by undertaking threat assessments and coordinating responses to security-related requirements. During the reporting period, the Unit also ensured that protected witness information remained confidential and continued to contact witnesses when orders to seek consent to the rescission, variation or augmentation of witness protective measures were received. The Unit has implemented and complied with 56 judicial orders related to protected witnesses and prepared for the retrial of the *Stanišić and Simatović* case, including by facilitating the appearance of witnesses in June 2017.

65. As part of the provision of support services to witnesses at the Arusha branch, witnesses continue to receive medical and psychosocial assistance. That assistance is particularly focused on witnesses who were victims of sexual or gender-based violence during the Rwandan genocide.

66. Finally, the witness protection teams at the two branches continue to exchange best practices and use a common information technology platform for their respective witness databases to maximize operational efficiency.

2. Archives and records management

67. During the reporting period, the Mechanism's Archives and Records Section continued preparing the records and archives of the Tribunals for transfer to the Mechanism. The Section provided training, advice and assistance to staff and facilitated the transfer of active and inactive records.

68. The transfer of records of the International Criminal Tribunal for Rwanda, including records related to the Tribunal's liquidation activities in 2016, has

involved, inter alia, the comprehensive verification and accessioning of the records at issue, including the integration of relevant metadata into Mechanism databases, and was completed during the reporting period. In The Hague, more than 56 per cent of the inactive physical records of the International Tribunal for the Former Yugoslavia and 88 per cent (1.6 petabytes) of its digital records have been transferred to the Mechanism. It is estimated that the archives of the two Tribunals will ultimately amount to approximately 12,000 linear metres of physical records and approximately 3 petabytes of digital records.

69. During the reporting period, the implementation of a digital preservation system was completed. Preparations are under way to begin the transfer of digital records into the system in the second half of 2017. The Section also continued to develop the Mechanism's records and archives governance structure and supported the implementation of the Mechanism's electronic document records management system in the Office of the Prosecutor in both branches.

70. The public interface for accessing and searching the judicial records of the International Criminal Tribunal for Rwanda and the Mechanism has continued to be updated, with more than 33,000 public judicial records currently accessible through the Mechanism's website (www.unmict.org). In addition, the Section preserved approximately 2,000 audiovisual recordings of proceedings at the International Tribunal for the Former Yugoslavia.

71. The Section launched a new standing exhibition highlighting selected "firsts" in the histories of the Tribunals. The Mechanism also hosted international archival meetings at the new facility in Arusha in May 2017, including the annual executive board meeting for the International Council on Archives.

72. Finally, the Mechanism's library at the Arusha branch opened at the new premises in November 2016. The library, one of the premier resources for international law research in East Africa, offers an enhanced research environment for both internal and external clients.

3. Enforcement of sentences

73. As of the end of the reporting period, the Mechanism is overseeing the enforcement of the sentences of a total of 39 individuals: 23 persons convicted by the International Criminal Tribunal for Rwanda, who are serving their sentences in two States; and 16 persons convicted by the International Tribunal for the Former Yugoslavia, who are serving their sentences in nine States. Currently, 10 convicted persons at the United Nations Detention Facility in Arusha and 2 convicted persons at the United Nations Detention Unit in The Hague are awaiting transfer to enforcement States to serve their sentences.

74. Following the transfer to the Government of Senegal in December 2015 of eight prison cells in Sébikotane Prison, which had been refurbished by the International Criminal Tribunal for Rwanda, the Mechanism undertook and completed in 2016 the procurement of furniture and other necessary assets to equip the cells for prospective use in the enforcement of sentences under the supervision of the Mechanism. The cells are ready for use and the Mechanism continues to look forward to the final implementation of the decision by Senegal to accept prisoners of the International Criminal Tribunal for Rwanda, which will enable the enforcement of sentences in that State.

75. The Mechanism continued to seek the cooperation of existing enforcement States in enforcing the sentences of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the Mechanism. In addition, the Mechanism continued to work towards securing additional agreements

to increase the enforcement capacity of both branches. On 12 May 2017, the Mechanism concluded a revised agreement with the Government of Benin on the enforcement of the sentences of the International Criminal Tribunal for Rwanda or the Mechanism. That agreement, like the amended agreement on the enforcement of sentences concluded with the Government of Mali in June 2016, reflects best practices in the enforcement of international sentences. Similar agreements are under negotiation with other enforcement States. The Mechanism is grateful to Member States that are enforcing sentences and to those that are considering enforcing sentences in the future.

76. The Mechanism continued to closely monitor the particular security situation in Mali and received advice and reports from the Department of Safety and Security of the Secretariat and the designated security official in Mali, where 13 convicted persons are serving their sentences under the supervision of the Mechanism.

4. Assistance to national jurisdictions

77. The Registry facilitated an increasing number of requests by national authorities, or parties to national proceedings, for assistance in connection with national proceedings related to the genocide in Rwanda or the conflicts in the former Yugoslavia. During the reporting period, the Registry processed 324 requests for assistance, including requests to question detained persons and protected witnesses; to rescind, vary or augment protective measures for witnesses; and to retrieve and transmit confidential and certified material to national authorities.

5. Upkeep and relocation of acquitted and released persons

78. The Mechanism has continued to deploy focused efforts, including bilateral engagement with potential receiving States, to facilitate sustainable solutions for the resettlement of released and acquitted persons and to provide those still residing in Arusha with relevant assistance. While continuing to explore new ways to address the pressing situation pertaining to those individuals, the Mechanism implemented, with effect from 1 July 2016, a revised and more efficient approach in relation to the upkeep of the acquitted and released persons in Arusha pending their relocation. In December 2016, a State in Africa agreed to accept one released person and one acquitted person for relocation, reducing the number of acquitted and released individuals remaining in Arusha to 11. The recently revised agreement with Benin, like the Mechanism's agreement with Mali, contains a specific provision on the facilitation of the temporary stay of persons released following the completion of their sentences, and the Mechanism is engaged in negotiations towards the same end with other States. The Mechanism is grateful to the States concerned and remains appreciative of the ongoing support of the international community in that regard.

6. Monitoring of referred cases

79. Pursuant to article 6 (5) of its statute, during the reporting period the Mechanism monitored three cases referred to Rwanda through monitors from the Kenyan Section of the International Commission of Jurists. In one of those three cases, a Rwandan trial court entered convictions for genocide and crimes against humanity during the reporting period. The Mechanism continues to work on establishing a similar monitoring arrangement for the two cases referred to France, which were monitored by interim monitors from the International Tribunal for the Former Yugoslavia or the Mechanism during the reporting period. Public monitoring reports are posted on the Mechanism's website.

7. External relations and information-sharing

80. During the reporting period, the External Relations Office continued to raise the profile of the Mechanism and awareness of its mandate by engaging with the diplomatic community, the media, civil society and the public, including in Arusha, Dar es Salaam and The Hague, and by organizing a number of high-profile events and media campaigns.

81. In September 2016, the Office organized a panel discussion in The Hague on the new models of international justice, as well as a diplomatic briefing by the Mechanism's principals in May 2017. In April 2017, the Mechanism, the East African Community and members of the local Rwandan diaspora co-hosted a commemorative event in Arusha, marking the twenty-third anniversary of the 1994 genocide in Rwanda. The Mechanism also hosted an inaugural two-day, high-level judicial colloquium for national, regional and international judges at the Mechanism's new premises in Arusha in May 2017.

82. During the reporting period, the Office responded to more than 450 queries from the media and researchers, facilitated interviews with the Mechanism's principals on major television and radio networks and expanded the visibility of the Mechanism through the facilitation of broad coverage in international and regional print media. Moreover, the Office produced a range of new public information material.

83. The Office also continued to manage the Mechanism's website, as well as the legacy website of the International Criminal Tribunal for Rwanda (http://unictr.unmict.org) and the website of the International Tribunal for the Former Yugoslavia (www.icty.org). During the reporting period, the Mechanism's website received more than 350,000 page views. In January 2017, the Mechanism launched an improved version of its website that offers greater accessibility and usability and increased the content available in Bosnian/Croatian/Serbian and Kinyarwanda. The Mechanism also launched a new version of its database on case law in March 2017 and expanded the content and reach of its social media platforms, including Facebook, Twitter, LinkedIn, Flickr and YouTube.

VI. Conclusion

84. The Mechanism's progress in completing its judicial and other work swiftly, while maintaining the highest of standards, underscores its commitment to the mandate entrusted to it by the Security Council and to serving as an efficient and effective model for international criminal justice institutions. Even as the Mechanism moves into a phase of intense judicial activity, prepares to assume responsibility for the relevant remaining aspects of the work of the International Tribunal for the Former Yugoslavia upon the closure of that Tribunal at the end of 2017 and takes the final steps necessary to be fully self-standing, it will continue to focus on carrying out its mandate in accordance with best practices and due process and in a timely, lean and efficient manner.